



CrI.O.P.No.21530 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.21530 of 2023

and

CrI.M.P.No.14941 of 2023

Jaheer Hussain,
S/o.Abdul Jabbar

... Petitioner

Vs.

1.The State represented by,
The Inspector of Police,
Avadi-CCB Police Station,
Avadi-City CCB District.
(Crime No.33 of 2023)

2.Shagul Hameed Maricar @ Shagul

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to set aside the order in C.C.No.33 of 2023, dated 14.06.2023 passed by the Judicial Magistrate – I, Poonamallee, to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For R1 : Mr.A.Gopinath
Government Advocate (Criminal Side)



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ORDER

When the matter came up for hearing on 21.09.2023, this Court passed the following order :

“ This petition has been filed challenging the order passed by the Court below refusing to remand the accused person and passing orders under Section 59 of Cr.P.C. This order has been challenged by the de-facto complainant. The locus standi of the de-facto complainant to challenge such an order is in question. Therefore, the learned Counsel for the petitioner shall convince this Court on the locus standi of the petitioner to challenge this order.

2. Post this case under the same caption on 29.09.2023. ”

2. In the considered view of this Court, the defacto complainant does not have the *locus standi* to question the order passed by the Court below under Section 59 of Cr.PC. It is the respondent police, who has to decide as to whether the person must be subjected to custodial interrogation during investigation. The defacto complainant cannot step into the shoes of the police and question the refusal order passed by the Court, to remand the person to judicial custody.

3. In view of the above, this Criminal Original Petition is dismissed.



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Consequently, connected Criminal Miscellaneous Petition is closed.

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Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

The Judicial Magistrate – I,
Poonamallee

N.ANAND VENKATESH, J.

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